



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2867



William Bogdan  
10 Darren Drive, #B  
Raymond, NH 03077

RE: Abnaki Lodge

**NOTICE OF PROPOSED  
LICENSE ACTION  
No. 01-07**

August 16, 2001

**I. Introduction**

This Notice of Proposed License Action is issued by the Department of Environmental Services, Water Division ("the Division") to William Bogdan, pursuant to RSA 541-A:30 and RSA 485-A:29 and Env-Ws 1005.12. The Division is proposing to revoke the Certificate of Compliance held by William Bogdan, based on the violations alleged below. **This notice contains important procedural information. Please read the entire notice carefully.**

**II. Parties**

1. The Department of Environmental Services, Water Division is an administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH.
2. William Bogdan is an individual having a mailing address of 10 Darren Drive, #B, Raymond, NH 03077.

**III. Summary of Facts and Law Supporting Proposed Action**

1. RSA 485-A:29-44 authorizes the Department of Environmental Services ("DES") to review and approve the subdivision of land for the purpose of subsurface sewage disposal and the design and installation of subsurface sewage disposal systems ("septic systems"). Pursuant to rulemaking authority conferred thereby, the Commissioner of DES has adopted NH Admin. Rules Env-Ws 1000 to implement this program.
2. Env-Ws 1004.19(b) authorizes DES to hold a hearing in accordance with RSA 541-A:31 to determine whether a permit should be revoked whenever DES receives information indicating that the information upon which the approval was based was not true and complete or was misleading.
3. William Bogdan is the owner of certain property located at Little River Road in Bethlehem, NH and more particularly described in Town of Bethlehem tax maps as Map 210, Lot 12 ("the Property"). Mr. Bogden operates a campground known as the Abnaki Lodge and Campground ("the Campground") on the Property.

4. Env-Ws 1005.12 requires recreational campgrounds to obtain subdivision approval, and to provide appropriate sanitary waste disposal systems.
5. Env-Ws 1005.12(d) requires campgrounds in existence prior to September 5, 1990 to obtain subdivision and construction and operational approvals for septic systems by September 5, 2000.
6. On March 15, 1999, the Division received a completed Recreational Campground Questionnaire from Mr. Bogdan concerning the Campground. The Division had sent the Questionnaire to all known recreational campgrounds in the state to determine compliance with applicable statutes and rules.
7. In the questionnaire, Mr. Bogdan stated that the Campground had been operated as a campground since 1963-64. The predecessor agency to DES received authority to regulate the subdivision of land and installation of septic systems in July of 1967.
8. On May 8, 2000, following review of the information provided by Mr. Bogdan and several individuals from Bethlehem, the Division sent Mr. Bogdan a letter denying his request for grandfathered status for the campground.
9. In December 2000, Mr. Bogdan sent additional information from several sources, including a local businessman and a licensed septic system designer, apparently showing the existence of a campground on the Property prior to 1967.
10. Based upon this new information, the Division issued a Recreational Campground Certificate of Compliance dated December 21, 2000 ("the Permit") to William Bodgan, to allow operation of a recreational campground containing 12 short-term campsites on the Property.
11. Since December 2000, the Division has received significant additional information concerning the past uses of the Property. This information includes affidavits and letters from the granddaughter of the former owner of the Property, several town selectmen and several owners of an abutting lodge and residential property. Each of these individuals stated that the site had been used as a hunting lodge, but never a campground.
12. On June 27, 2001, Division personnel inspected the Property. The purpose of the inspection was to determine compliance with RSA 485-A:29-44 and Env-Ws 1000, and to compare the conditions of the site with the Property plan submitted by Mr. Bogdan.
13. Based upon the site inspection, the additional information received, and further investigation of the information submitted by Mr. Bogdan, the Division believes that the information submitted by Mr. Bogdan was untrue, incomplete, or misleading and that the Certificate of Compliance was issued in error.

#### **IV. Violations Alleged**

1. Mr. Bogdan has submitted untrue, incomplete, or misleading information upon which the Division issued a Recreational Campground Certificate of Compliance.

## V. Proposed Action

1. Based upon the violations identified in IV 1., above, the Division proposes to revoke the Certificate of Compliance.


## VI. Hearing, Response, Proposed Settlement

William Bogdan has the right to a hearing to contest these allegations before the proposed license action is taken. The hearing would be a formal adjudicative proceeding pursuant to RSA 541-A:31, at which William Bogdan and any witnesses William Bogdan may call would have the opportunity to present testimony and evidence as to why the proposed action should not be taken. All testimony at the hearing would be under oath and would be subject to cross-examination. If William Bogdan wishes to have a hearing, one will be scheduled promptly.

RSA 541-A:31, III(e) provides that William Bogdan has the right to have an attorney present to represent William Bogdan at William Bogdan's expense. If the Permit is an occupational license, under RSA 541-A:31, III(f) William Bogdan has the right to request DES to provide a certified shorthand court reporter at William Bogdan's expense. **Such request must be submitted in writing at least 10 days prior to the proceeding.**

William Bogdan may waive his right to a hearing. If William Bogdan waives the hearing, DES is prepared to revoke the Recreational Campground Certificate of Compliance. William Bogdan should notify DES of his decision by filling out and returning the enclosed form by September 7, 2001.

Anyone having questions regarding this matter should contact Richard J. de Seve, Compliance Supervisor, at 271-3442

  
**COPY**  
Harry T. Stewart, P.E., Director  
Water Division

**Certified Mail #7099 3400 0003 0690 4552**

Enclosures

cc: Board of Selectmen, Town of Bethlehem  
Gretchen Rule, DES Enforcement Coordinator  
W. E. Evans, P.E., Administrator, DES Subsurface Systems Bureau  
Richard J. de Seve, Compliance Supervisor, DES Subsurface Systems Bureau  
M. Ransmeier, Esq.